

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

BAYTREE CAPITAL ASSOCIATES, LLC  
derivatively on behalf of BROADCASTER, INC.

SUMMONS IN A CIVIL ACTION

V.

NOLAN QUAN, et al.

CASE NUMBER:

08 CV 1602

JUDGE STANTON

TO: (Name and address of Defendant)

Binary Source, Inc.  
4804 Laurel Canyon Boulevard  
No. 536  
Woodland Hills, CA 91364

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Sullivan Gardner, PC  
475 Park Avenue South  
New York, New York 10016  
(212) 687-5900

an answer to the complaint which is served on you with this summons, within 30 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

FEB 15 2008

CLERK

DATE

(By) DEPUTY CLERK

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<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	
NAME OF SERVER ( <i>PRINT</i> )	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"> <input type="checkbox"/> Served personally upon the defendant. Place where served: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  Name of person with whom the summons and complaint were left: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Returned unexecuted: </div> <div> <input type="checkbox"/> Other (specify): </div>		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL \$0.00
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____ Date _____ Signature of Server _____</p> <p style="text-align: center; margin-top: 20px;">_____ Address of Server</p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

BAYTREE CAPITAL ASSOCIATES, LLC DERIVATIVELY ON BEHALF OF  
BROADCASTER, INC.

Plaintiff(s)

- against -

Index # 08 CV 1602 (STANTON)

NOLAN QUAN, ETAL

Purchased February 15, 2008

Defendant(s)

**AFFIDAVIT OF SERVICE**

CALIFORNIA  
STATE OF : COUNTY OF LOS ANGELES ss:  
Humberto Palacio

BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF  
EIGHTEEN YEARS AND RESIDES AT

123 S. Figueroa St. suite 115, Los Angeles, CA 90012

That on March 11, 2008 at 04:10 PM at

4804 LAUREL CANYON BOULEVARD  
NO. 536  
VALLEY VILLAGE, CA91607

deponent served the within SUMMONS & VERIFIED SHAREHOLDER DERIVATIVE COMPLAINT on BINARY SOURCE, INC. therein  
named,

**CORPORATION** a FOREIGN corporation by delivering thereat a true copy of each to JENNIFER "DOE" personally, deponent knew  
said corporation so served to be the corporation described in said SUMMONS & VERIFIED SHAREHOLDER  
DERIVATIVE COMPLAINT as said Defendant and knew said individual to be the GENERAL AGENT thereof.

Deponent further states that he describes the person actually served as follows:

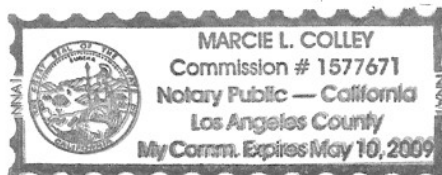
Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx)
FEMALE	TAN	BLACK	30	5'5	170

PERSON SPOKEN TO REFUSED TO STATE TRUE FIRST AND/OR LAST NAMES

That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and  
described as the Defendant in this action.

Sworn to me on: March 14, 2008

Notary:  
Marcie L. Colley



*Humberto Palacio*  
Server:  
Humberto Palacio  
Invoice #: 458487